

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 24-28 have been canceled without prejudice or disclaimer. Applicants reserve the right to file a divisional application directed to the subject matter of these claims.

Claims 2-15, 17, 19, 20 and 22-27 were rejected under 35 U.S.C. Section 102(b) as allegedly being "clearly anticipated" by Walker et al. (U.S. Patent No. 5,794,207). While not acquiescing in this rejection or in the characterizations of Walker et al. in the office action, claims 6, 9, 18, 19 and 21-23 have been canceled without prejudice or disclaimer and claims 7, 8, 16, 17 and 20 have been amended. The discussion below makes reference to the amended claims.

As described in the subject patent application in connection with certain non-limiting, illustrative example implementations, a reconciling means 3, in receipt of accounting application data from a buyer, creates credit data based on the accounting application data. The reconciling means 3 then sends the credit data to a claiming means 2 (determined, by way of example, not limitation, based on estimation data contained in the accounting application data). See, e.g., Step S007 in Figure 5 and accompanying description. The content of the credit data is stored in database means 33. See, e.g., Figure 4. The credit data guarantees reconciliation of accounts by the reconciling means 3 for a product or service and contains information specifying transaction conditions on the product or service.

The reconciling means 3 receives acknowledgment data and compares the credit data with the acknowledgment data. When predetermined conditions are met (by way of example, not limitation, when the acknowledgment data satisfies the transaction conditions in the credit data), the reconciling means 3 sends payment to the claiming means 2 for the purchase. See, e.g., Step S017 in Figure 5 and accompanying description.

Claim 17 is based on (but not limited to) this embodiment and describes an account reconciliation server that includes credit data creating means for (a) creating, based on purchase request data received from a buyer terminal, credit data including information which specifies purchase transaction conditions for a product or service, and (b) sending the credit data created to

a seller terminal, the credit data guaranteeing payment to the seller by the account reconciliation server for the product or service; credit data storing means for storing the credit data; data comparing means for comparing the credit data stored with acknowledgment data received from the buyer terminal, the acknowledgment data (a) being issued by the buyer terminal when the buyer receives from the seller the product or service, and (b) indicating a product or service delivered from the seller to the buyer; and paying means for making payment for the product or service to the seller terminal when the content of the acknowledgment data satisfies the purchase transaction conditions described in the stored credit data.

Walker et al. does not disclose or suggest such an account reconciliation server.

Walker et al. discloses a commercial network system for posting conditional purchase offers, making them available to potential sellers, and allowing sellers to bind the offers to form a legally binding contract.

What the present invention accomplishes, which no previous system has done before, is literally to hang buyer money on a "clothesline" for sellers to see. Attached to the money is a note describing what the seller has to agree to do in order to take the money down off the clothesline. There is no uncertainty or waste of time on the part of the seller. He knows that if he can meet the conditions set forth by the buyer, he can immediately close the sale and get paid for it. No hassles. No negotiations. Walker et al., col. 10, lines 30-39.

While a central controller 200 of Walker et al. is arranged between a seller terminal and a buyer terminal (*see, e.g.*, Figure 1), there is no description in Walker et al. in which the central controller 200 stores credit data and later compares the stored credit data with acknowledgment data to determine whether purchase transaction conditions described in the credit data are satisfied so that payment can be sent to the seller.

In connection with the reconciliation server, the office action makes reference to "delayed payment embodiments" of Walker et al. See 7/6/05 Office Action, page 9. However, in Walker et al., payment from an escrow account, for example, is made simply according to the buyer's digitally signed release message authorizing the release of the funds. See, e.g., Walker et al., col. 22, lines 18-20. There is no disclosure in Walker et al. of a reconciling means conditioning payment by the reconciling means on a comparison between stored credit data and

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acknowledgment data as specified in claim 17. For at least these reasons, Walker et al. cannot anticipate claim 17.

Independent claim 20 is directed to a system that includes an account reconciliation server configured along the lines specified in claim 17. Consequently, Applicants respectfully submit that Walker et al. likewise does not anticipate claim 20.

Independent claim 16 is a method claim corresponding to claim 17 and Applicants respectfully submit that this claim is likewise not anticipated by Walker et al.

Claims 2-5, 7, 8 and 10-15 depend from claim 20 and for at least this reason are believed to be allowable over Walker et al.

The pending claims are believed to be in condition for allowance and favorable office action is respectfully requested.

Respectfully submitted,

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